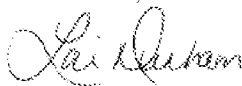


**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE
BOARD OF PATENT APPEALS AND INTERFERENCES**

| | | | |
|-------------------|---|------------------|-----------|
| Applicants: | S. Bailey, et al. | Attorney Docket: | 6006-009 |
| Serial No.: | 09/783,633 | Examiner: | C. Miller |
| Filed: | February 14, 2001 | Art Unit: | 3738 |
| Confirmation No.: | 2694 | Customer No.: | 29,335 |
| Title: | <i>In Vivo</i> Sensor and Method of Making Same | | |

Certificate of Electronic Filing

I certify that this document (along with any documents referenced as being included herewith) is electronically filed on this the 14th day of February, 2011 addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



Lori Dunham

Mail Stop Appeal Brief – Patents
Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO NOTICE OF NON-COMPLIANT APPEAL BRIEF

Dear Sir or Madam:

Applicant submits herewith a response to the Notice of Non-Compliant Appeal Brief mailed on February 9, 2011, as follows:

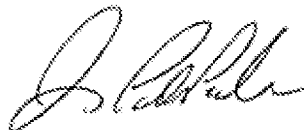
Remarks on page 2 of this letter

Evidence Appendix on page 3 of this letter.

Remarks

The Notification indicated that the “evidence appendix” page fails to indicate whether there has been evidence considered by the Examiner. There was no evidence considered by the Examiner, so the Applicant submits a corrected “evidence appendix” herewith, which states “none” beneath the heading. No fee is believed to be due; however, the Commissioner is authorized to charge any additional fees regarding this filing, and/or credit any overpayment to deposit account No. 18-2000.

Respectfully submitted,



J. Peter Paredes
Reg. No. 57,364

February 14, 2011

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9. Evidence Appendix

None